

APPROVED
THE VIRGINIA BOARD OF SOCIAL WORK
MINUTES
FRIDAY, OCTOBER 3, 2008

The Virginia Board of Social Work ("Board") meeting convened at 11:15 a.m. on Friday, October 3, 2008 at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. David Boehm, Chair, called the meeting to order.

BOARD MEMBERS PRESENT: David R. Boehm
Charles R. Chambers, Jr.
Willie T. Greene, Sr.
Wayne A. Martin
Catherine L. Moore
Francis N. Nelson, Jr.
Dolores S. Paulson
Patricia Smith-Solan

BOARD MEMBERS ABSENT: Susan Horne-Quatannens

STAFF PRESENT: Emily Wingfield, Chief Deputy Director
Howard Casway, Sr. Assistant Attorney General
Evelyn B. Brown, Executive Director
Elaine Yeatts, Senior Policy Analyst
Patricia L. Larimer, Deputy Executive Director
Catherine Chappell, Administrative Assistant

OTHERS PRESENT: Neal Kauder, VisualResearch, Inc.
Kim Langston, VisualResearch, Inc.

INTRODUCTION OF NEW BOARD MEMBER

Mr. Boehm welcomed Dr. Smith-Solan to the Board. He also congratulated Mr. Martin and Mr. Greene on their reappointments to the Board.

ORDERING OF AGENDA

Mr. Boehm opened the floor to any changes in the order of the Agenda. Ms. Moore requested that a Continuing Education Committee Report be added to the Agenda. In addition, Ms. Wingfield asked that an update on the Health Practitioner Intervention Program be added to the Chief Deputy Director's Report.

Mr. Martin moved to accept the Agenda as amended. The motion was seconded and carried.

PUBLIC COMMENT

Alice Kassabian of the Greater Washington Society for Clinical Social Workers thanked the Board for its continuing work in the profession. She expressed concern for possible public harm due to the anticipated changes to the Regulation's Standards of Conduct whereby the time limit for the prohibition for dual relationships with former clients would be five years. Mr. Casway commented that the regulatory change would not specifically permit such relationships but rather places the presumptive burden upon the practitioner. He noted that the current time limit on the prohibition for dual relationships with former clients is two years.

APPROVAL OF MINUTES

Mr. Martin moved to accept the minutes of the July 18, 2008 Board meeting. The motion was seconded and carried.

SANCTION REFERENCE POINT STUDY

Mr. Kauder and Ms. Langston presented an interim report of the Sanction Reference Point Study prepared for the Boards of Counseling, Psychology, and Social Work. The report provided the results of their analysis of a four year sample of disciplinary cases, examined in order to develop a sanction reference points worksheet for use in disciplinary proceedings.

Mr. Martin moved that the Board request that a final draft of the Study be prepared and presented to the Board at the January meeting. The motion was seconded and carried.

CHIEF DEPUTY DIRECTOR'S REPORT

Virginia Performs. Ms. Wingfield provided an update on the Agency's key performance measures in accordance with the Virginia Performs initiative. She noted that significant progress has been made in the resolution of patient care cases within 250 days. Additionally, she stated that two licensure key performance measures, to achieve high customer satisfaction and complete application processing within 30 days, continue to show positive results.

Budget. Ms. Wingfield referenced the current State budget concerns and noted that, while the Agency is a nongeneral funds agency, it does incur significant technology expenses. In light of the current financial environment, the Agency continues to monitor all expenses closely to avoid any increase in licensure fees.

Health Practitioner Intervention Program (HPIP). Ms. Wingfield explained that HPIP is often offered as an alternative to disciplinary action, wherein licensees may be granted stays of such action if they agree to enter into contract with HPIP. However, a review of the expenditures for HPIP revealed that DHP incurs significant expenses for the

assessment and monitoring of such participants. Alternative services by the current program are under consideration.

PREVIEW OF 2009 LEGISLATION

Ms. Yeatts provided an update of the Agency's legislative proposals submitted to the Secretary's office for consideration and approval. She noted that due to the fiscal impact of many of the proposals, including the HPIP program and criminal background investigations, such proposals were not anticipated to be approved at this time.

DISTANCE THERAPY GUIDANCE DOCUMENT UPDATE

Mr. Nelson presented a guidance document recently adopted by the Board of Counseling relating to technology-assisted counseling and supervision. He noted that he represented the Board at a joint meeting of the Behavioral Science Boards to discuss concerns about "distance therapy". While the Board of Counseling has prepared a guidance document, he recommended that the Board continue to monitor and collect information on "distance therapy".

CHAIR'S REPORT – David Boehm

Board of Health Professions

Mr. Boehm advised that he attended the quarterly Board of Health Professions meeting and public hearings regarding regulation of emerging professions in Virginia. To date, however, no action has been taken with respect to such emerging professions. Applicant criminal background investigations continue to be contemplated.

Revision of Bylaws

Mr. Boehm asked for comment and discussion of the proposed amendments to the Bylaws, which had been provided to each member prior to the meeting. Said proposals updated the Board composition and committee structure and amended procedures for the election of officers. Dr. Paulson moved to adopt changes to the Bylaws as provided in the attached document. The motion was seconded and carried.

ASWB Annual Meeting

Mr. Boehm advised that he would be attending the ASWB Annual Meeting in Rhode Island in November. He will participate in a supervision task force and report any findings to the Board.

COMMITTEE REPORTS

Discipline Committee Report – David Boehm/Patricia Larimer

Mr. Boehm reported that the Committee continues to be busy and has held four informal conferences recently, with possibly four formal hearings to be scheduled in the next few months. He noted that seven complaints were currently in investigation and two cases at the Board level are under probable cause review.

Regulatory Committee Report – Wayne Martin/Elaine Yeatts

Ms. Yeatts advised that the proposed regulations relating to requirements for examination, supervision and practice standards have been approved for publication effective October 27, 2008, and will be effective as of November 26, 2008.

In anticipation of these changes, Ms. Brown noted that staff will draft notice of these regulation changes and prepare Q&A's for posting on the Board's website. Written notification to social work schools, community service boards, participants in the H.B.1146 study, public participation guidelines list, and professional associations would be provided. Application forms are to be revised in anticipation of the changes effective November 26, 2008.

Proposed Regulations relating to "Clinical Course of Study" continue under review. In the meantime, the guidance document adopted by the Board remains in effect.

H.B. 1146 Committee Report – Mr. Boehm, Mr. Chambers, and Dr. Paulson

Mr. Boehm thanked Mr. Chambers and Dr. Paulson for their assistance in preparing the final draft Report of the Board of Social Work in Response to H.B. 1146. He asked the Board to consider posting the document on the Board's website and requesting public written comment. The opportunity to revise the document in light of any public comment would be possible at a later date.

Because H.B. 1146 requested that a study be undertaken to determine (i) if current education and training requirements for social workers are adequate to assure the public of professional competency and (ii) whether current exemptions from requirements for licensure best serve the citizens of the Commonwealth, no formal action is required by the Board.

Mr. Chambers moved that a 30 day period for public written comment on the Report be provided beginning on or about November 1, 2008, with the H.B. 1146 Committee reconvening thereafter to review the comments. The motion was seconded and carried.

Continuing Education Committee Report – Catherine Moore

Ms. Moore provided an update of the Continuing Education (CE) Audit for 2007, noting that approximately 30 licensees were found to not be in compliance with the CE regulations. She and Mr. Boehm agreed to review the open cases and provide recommendations at the next Board meeting.

NEW BUSINESS:

None

OLD BUSINESS

None

ADJOURNMENT

There being no further business to come before the Board, Mr. Chambers moved to adjourn the meeting. The meeting adjourned at 2:10 p.m.

David Boehm, Chair

Evelyn B. Brown, Executive Director

VIRGINIA BOARD OF SOCIAL WORK

BYLAWS

ARTICLE 1: AUTHORIZATION

Statutory Authorization

The Virginia Board of Social Work is established and operates pursuant to Section 54.1-2400 and 54.1-3700 of the Code of Virginia. Regulations promulgated by the Board of Social Work may be found in 18 VAC 140-20-10, et seq., "Regulations Governing the Practice of Social Work."

Duties

The Virginia Board of Social Work is charged with promulgating and enforcing regulations governing the practice of social work and clinical social work in the Commonwealth of Virginia. This includes, but is not limited to: setting fees; creating requirements for licensure; issuing licenses for practice; setting standards of practice; and creating and implementing a system of disciplinary action.

ARTICLE II: THE BOARD

The membership of the Board shall consist of ~~seven~~ **nine** members, appointed by the Governor **and approved by the General Assembly** as follows: ~~five~~ **seven** persons who are licensed as social workers ~~with five years experience in the Commonwealth of Virginia~~ and two citizen members.

Terms

~~The terms of the members of the Board shall be four years.~~

Officers of the Board

- A. The Chair or designee shall preserve order and conduct all proceedings according to parliamentary rules, the Virginia Freedom of Information Act, and the Administrative Process Act. Roberts Rules of Order will guide parliamentary procedure for the meetings. Except where specifically provided otherwise by the law or as otherwise ordered by the Board, the Chair shall appoint all committees, and shall sign as Chair to the certificates authorized to be signed by the Chair.
- B. The Vice Chair shall act as Chairperson in the absence of the Chair

ARTICLE III: ELECTION OF OFFICERS

- A. ~~Persons shall be nominated at a meeting of the Board with a quorum present. A simple majority shall prevail with the Chair casting a vote only to break a tie. Voting shall be voice vote unless otherwise decided by the Chair. Special elections shall be held to fill unexpired terms at the subsequent full meeting of the Board following the occurrence of an office being vacated. The Nomination Committee shall present a slate of officers for Chair and Vice-Chair at the first meeting immediately following July to coincide with the appointment of Board members. Voting shall be by voice vote, roll call, or show of hands. A simple majority of the quorum of the Board shall prevail. Special elections shall be held in the same manner in the event of a vacancy of a position to fill the unexpired term.~~
- B. ~~Election of officers shall occur at a Board meeting scheduled by the Board. All officers shall be elected for a minimum of two year terms and may be eligible for re-election in keeping with their appointment to the Board.~~

Term of Office

All officers of the Board shall serve a term of two years.

ARTICLE IV: MEETINGS

Frequency of Meetings

The full Board shall meet ~~at least four times a year.~~ **quarterly, unless a meeting is not required to conduct Board business.**

Order of Business at Meetings

Period of Public Comment

Approval of Minutes of preceding regular Board meeting and any called meeting since the last regular meeting of the Board.

Reports of Officers and staff

Reports of Committees

- ~~Board of Health Professions~~
- ~~Regulatory/Legislative Committee~~
- ~~Credentials Committee~~
- ~~Discipline Committee~~
- ~~Newsletter Committee~~
- ~~Other Committees~~

Election of Officers (as needed)

Unfinished Business

New Business

The order of business may be changed at any meeting by a majority vote.

ARTICLE V: COMMITTEES

General

Members appointed to a committee shall faithfully perform the duties assigned to the committee. The standing committees of the Board shall consist of the following:

Regulatory/Legislative Committee
Credentials Committee
Discipline Committee
~~Newsletter Committee~~

and any other Standing **and Ad Hoc** Committees created by the Board.

Frequency of Meetings

All standing committees shall meet ~~at least one time a year.~~ **as necessary to conduct the business of the Board.**

A. Regulatory/Legislative Committee

The Regulatory/Legislative Committee shall consist of at least two Board members appointed by the Chair with the Chair of the Committee to be appointed by the Chair of the Board. The Committee shall consider all questions bearing upon State and Federal legislation and regulation. The Regulatory/Legislative Committee shall recommend changes in the law and regulations as it may deem advisable and, at the direction of the Board, shall take such steps as may further the desire of the Board in matters of legislation and regulations. The Chair of the Committee shall submit proposed changes in the Rules and Regulations of the Board in writing, to all Board members prior to any scheduled meeting of the Board.

B. Credentials Committee

The Credentials Committee shall consist of at least two Board members appointed by the Chair of the Board with the Chair of the Committee to be

appointed by the Chair of the Board. The Committee shall review applicant's credentials for licensure by endorsement or by examination to fulfill the requirements of the Board. ~~The Credentials Committee will also review policy and/or procedures regarding the credentialing process and make any recommendations to the Board and Executive Director for decision. The Chair of the Credentials Committee is responsible for submitting recommendations of the full Board.~~

C. Discipline Committee

The Discipline Committee shall consist of at least two Board members appointed by the Chair of the Board, with the Chair of the Discipline Committee to be appointed by the Chair of the Board. The Discipline Committee shall consider all complaints that are brought to the attention of the Board by the Executive Director and the Enforcement Division of the Department of Health Professions. The Chair of the Discipline Committee will ~~make recommendations~~ **report** to the full Board regarding complaints concerning social work practice. ~~The Discipline Committee will also review policy and/or procedural changes regarding disciplinary actions and the Chair of the Discipline Committee will then make the appropriate recommendations to the full Board.~~

D. Nomination Committee

There shall be a Nomination Committee composed of at least two members of the Board appointed by the Chair to consult with Board Members and Staff to recommend nominee(s) for the Board positions of Chair and Vice-Chair. Sitting officers shall not serve on the Nominating Committee.

ARTICLE VI: AMENDMENTS

Proposed ~~Amendments~~ **amendments** to these bylaws shall be ~~proposed by presenting the proposed amendments~~ **presented** in writing to all Board members, the Executive Director of the Board, and the Board's legal counsel prior to any scheduled Board meeting. Amendments to the bylaws shall become effective with a majority vote, in favor of the amendment, of the voting members present at that regular meeting.